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July 31, 2014

Via Email mmanick@co.monmouth.nj.us

Marian Masnick, Clerk
Board of Chosen Freeholders
Hall of Records
1 East Main Street
Freehold, New Jersey 07728

**Re: *Monmouth County Bayshore Outfall Authority
Meeting: July 21, 2014 (Regular Meeting)
N.J.S.A. 40:20-71.3***

Dear Ms. Masnick:

Pursuant to N.J.S.A. 40:20-71.3, please be advised that the Monmouth County Bayshore Outfall Authority regular monthly meeting was held on July 21, 2014 at 6:30 p.m. Pursuant to N.J.S.A. 40:20-71.3, I am enclosing a copy of the minutes prepared by the Board Secretary reflecting the discussion at the meeting and the actions taken by the Board. The following are the actions taken by the Board on June 16, 2014:

1. Resolution paying MCBOA's bills.
2. Approve Construction Easement for 56 Bayside Drive
3. Approve change order for extra stone for basin.
4. Authorized Payment to JRI.
5. Denied request for extra payment by JRI.
6. Authorize Payment to TNJ Marine Inc.

Pursuant to this legislation, the Freeholders have until Monday, August 11 2014 to advise if they are vetoing any actions taken by the Board at their July meeting.

If the Freeholders, do want to veto any of these actions, please advise immediately, so bills can be paid on time. If you have any questions or the Freeholders would like to modify how they receive the minutes of these meetings, please advise.

Very truly yours,


GREGORY W. VELLA

Enclosures

Cc: Barbara Vilanova, Board Secretary *(w/enc)*

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, July 21, 2014 at 6:30 p.m.
MCBOA Conference Room
200 Harbor Way, Belford, New Jersey**

I. CALL TO ORDER

Paul Smith, Vice Chairman, called the Meeting to Order.

II. COMPLIANCE STATEMENT:

The Vice Chairman announced that adequate notice has been given to the public and press of the date, time and place of this Meeting, in accordance with P.L. 1975, Chapter 231, "Open Public Meetings Act."

III. ROLL CALL – ATTENDANCE

Members Present: Foley, Knox, Loud-Hayward, Scarano, Smith & Sodon, Schoeffling
Members Absent: Sachs and Aumack

Also Present: Gregory . Vella, Esq., Attorney, Collins, Vella and Casello, L.L.C.
Keith Henderson, P.E., Authority Engineer, T&M Associates
Theodore Panis, CPA, Authority Accountant, Panis & Attner, P.A.
Edward Tuberton, Jr. MCBOA Foreman

IV. Approval of Minutes – Authority Regular Meeting Held on 6/16/14

On **Motion** by Mrs. Loud-Hayward, **Seconded** by Mr. Sodon, the Minutes of the Regular meeting held on 6/16/14 were approved as presented by all Members present, no nays

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberton, MCBOA Foreman, presented his monthly report:

❖ **Monthly Highlights**

- SREC's current pricing \$170 – 126 available for auction, 88 earned in June.
- FEMA projects update
 - Belford retention pond 95% complete
 - Extra Stone needed (100cu/yrds @ \$85.00.)
 - Punch list items remain
 - Employee Overtime will be addressed at project closing.
- NJDEP discharge permit rate increase
- Annual UST testing completed 6/20
- Backflow preventer testing completed 6/30
- JIF Inspection 7/11
- Safety/Employee meeting held 6/25
- June DMR

On **Motion** by Mr. Sodon , **Seconded** by Ms. Loud-Hayward, the board their attorney to write a letter to all local Senators and Assemblyman regarding the excess increase in DEP Fees. This matter was passed by the affirmative voice vote of all members present, no nays

.On **Motion** by Mr. Sodon , **Seconded** by Ms. Loud-Hayward, the board approved the Change Order for the Extra 100 cu/yards of stone at \$ 85.00 a cu/yard, including installation for the basin This matter was passed by the affirmative voice vote of all members present, no nays

Office Manager's Monthly Report

Edward Tuberton, MCBOA Foreman reported on the following items:

❖ Administrative Highlights

- BRSA billed for 3rd Quarter.
- Keansburg billed for 3rd Quarter.
- Financial Disclosure Forms – discussed.
- 2nd Quarter unencumbered monies sent to Trustee.
- 2nd Quarter Flow of funds completed by Trustee.
- New Pension deductions for employees – July 1.
- New Medical deductions for employees – July 1.
- New Dental coverage paperwork sent to State.
- Attended JIF training for Insurance renewal.
- Blinds Installed.

Attorney's Report

Mr. Vella provided the following information:

The Authority was in the final process of refinancing their 1 year, 2.2 Million Dollar Note for Sandy Repairs. MCBOA has received \$ 907,000.00 from FEMA, of the approximate 1.98 Million Dollars that have been appropriated. MCBOA is borrowing 1.3 Million and using the \$ 900,000.00 to pay the 2.2 Million Dollar Note. The Note will be sold by August 6, 2014.

Mr. Vella informed the board that the property owner at 56 Bayside Drive (Branin) would like to start their retaining wall. The Authority has been holding off the work while the pond was offline. Now that the pond is online we can move forward. The County and the County's attorney would like us to approve first and then the County will approve and make sure the Branins have all outside agency approvals. The property has provided an acceptable insurance certificate. Mr. Vella drafted an agreement which must be signed by the Branins and Compass construction, which includes payment of fees – legal and engineer, and must be signed by both. Compass is requesting August 4 to August 21 for construction.

Mr. Vella also advised that the owners of 160 Ocean Avenue are also in the process of providing plans for the reconstruction of their retaining wall. The Authority has not received approved plans, as of the date of the meeting and no action will be taken until approved plans are received.

On **Motion** by Mr. Knox, **Seconded** by Mr. Scarano, the board authorized The Branins to construct a retaining wall on their property subject to the following; receipt of full executed agreement Mr. Vella has drafted, approved construction time and approval from Monmouth County.. This matter was passed by the affirmative voice vote of all members present, no nays.

Mr. Vella explained the Payment certificate #6 from JRI that is under new business this evening. However, as a result of the damage to the Solar System by your JRI, MCBOA incurred engineering and attorney costs. Since the damage was caused by JRI, MCBOA should deducted \$ 1,103.75 and \$ 838.33 to pay T & M bills for the additional expenses incurred by MCBOA.

Additionally, MCBOA lost \$ 9,437.43 in lost solar revenue. MCBOA have demanded payment from JRI's insurance company but have not received payment for same. As a result, MCBOA should deducted \$ 9,437.42 from the payment that will be held in escrow until payment by the Insurance Company. If the Insurance Company pays this lost revenue, the escrowed \$ 9,437.43 will be released back to JRI. If the insurance company refused to pay same, MCBOA will apply the escrow to the lost revenue.

On **Motion** by Mr. Scarano, **Seconded** by Mr. Knox, the board approved Certificate #6 with the reductions noted by Counsel. This matter was passed by the affirmative voice vote of all members present, no nays.

Mr. Vella explained the request for additional payment by JRI, due to the delays in the project. The Board discussed the matter and re-iterated that JRI request two extensions of the contract, which were approved by the Board and conditioned on no additional cost by MCBOA. Further, the Board discussed that the delay could have been eliminated by JRI if they used a different method for removing the sludge, rather than to wait for it to dry. Moreover, the Board discussed that JRI damaged the Solar System at MCBOA, which delayed the project for a few weeks.

On **Motion** by Ms. Loud-Hayward, **Seconded** by Mr. Knox, the board denied JRI's request.

Mr. Vella explained the Payment certificate #1 from TNJ Marine Inc. that is under new business this evening. The project is complete. T & M requested approval of the certificate with the condition that it not be paid until receipt of a modified Maintenance Bond.

On **Motion** by Mr. Scarano, **Seconded** by Ms. Loud-Hayward, the Board approved the payment certificate subject to receipt of a modified Maintenance Bond approved by T & M.

Engineer's Report

Keith Henderson, P.E., Authority Engineer, T&M Associates reported on the following items:

- **Photovoltaic System**
- **Retention Pond Repairs - Super Storm Sandy**
- **Outfall Repairs**

- **Bayside Drive Retaining Wall**

Accountant

Mr. Panis had no report this month.

New Business

On **Motion** by Mr. Scarano, **Seconded** by Mr. Knox, the board approved Certificate #6 for JRI with the reductions noted by Counsel. This matter was passed by the affirmative voice vote of all members present, no nays

On **Motion** by Ms. Loud-Hayward, **Seconded** by Mr. Knox, the board denied JRI's request for additional payments.

On **Motion** by Mr. Scarano, **Seconded** by Ms. Loud-Hayward, the Board approved the payment certificate for TNJ Marine Inc. subject to receipt of a modified Maintenance Bond approved by T &M.

Old Business

NONE

Resolution offered by Mr. Schoeffling:

**Monmouth County Bayshore Outfall Authority
List of Operating Vouchers – July 21, 2014**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc	\$54.19	Monthly ACS maintenance agreement-July
2		Cablevision	89.85	Phone & Internet UB 7/1-7/31/14
3		JCP&L	\$38.39	Belford Street Lighting 5/20-6/18/14
4		JCP&L	\$10,735.91	Union Beach 5/28-6/26/14
5		JCP&L	\$2,847.14	Belford 6/4-6/30/14
6		JCP&L	\$170.30	Sandy Hook 6/5-7/3/14
7		NJAWC	\$142.70	Union Beach 5/24-6/23/14
8		NJAWC	\$86.68	Belford 5/23-6/20/14
9	4821	Verizon	\$15.55	Belford long distance- 6/23-7/22/14
10	4823	Verizon	\$140.80	Belford all in one/fax – 6/14-5/13/14
11	4822	Verizon Online	\$49.99	Broadband Service- 6/16-7/15/14
12		ADP	\$49.50	Payroll services 6/19/14
13		ADP	\$51.77	Payroll services- 7/3/14
14		AMEC Electric	\$2,302.50	Repairs to Solar system
15		Andrew Kutschman	\$655.00	Ballast replacement & spare ballast
16		AT&T Mobility	\$97.21	Foreman's cellular phone service 7/5-8/4/14
17	4789	AT&T Mobility	\$97.28	Foreman's cellular phone service 6/5-7/4/14
18		ATS Environmental Services	\$900.00	Underground Storage Tank Inspections
19		Barbara J. Vilanova	\$172.31	Reimbursement for petty cash fund
20		Budget Blinds	\$2,200.00	Installation of vertical blinds
21		Collins Vella & Casello	\$1,485.00	June legal fees
22		Hach	\$273.12	Lab supplies- testing solutions
23		Home Depot	\$105.98	Refrigerator & drain opener
24		Home Depot	\$22.96	Parts to fix fence
25		Jaspan Brothers South	\$195.81	Blacktop patch, tire sealer,twine, tape, bags
26		Kepwel	\$30.00	6 6 gallons water jugs for office
27		Neopost	\$320.91	Annual Meter & Scale rental
28		Norwood Auto Parts	\$34.44	Motor Oil
29		Panis & Attner	\$17,900.00	Annual Audit
30		One Call Concepts	\$193.98	One call notices for June
31		QC Laboratories	\$5,822.00	Outside Lab services 5/23-6/22/14
32		Sakoutis Brothers Disposal	\$70.00	Monthly trash pick-up - July
33		Sakoutis Brothers Disposal	\$70.00	Monthly trash pick-up - August
34		Schaible's Plumbing & Heating	\$1,000.00	Quarterly Backflow certification
35		Staples	\$33.05	Dividers
36		T&M Engineering	\$1,791.64	General services for May
37		T&M Engineering	\$1,125.73	General services for June
38		T&M Engineering	\$2,414.51	Retention Ponds Repair Contract- June
39		T&M Engineering	\$1,069.02	Outfall Repairs - June
40		T&M Engineering	\$2,008.00	Belford Retention Pond Certification
41		Tami Nelson	\$400.00	Half of the fee for school

MCBOA Regular Meeting of July 21, 2014

42	Treasurer-State of New Jersey	\$105,681.81	Annual Permit 7/1/13-6/30/14
43	W.H. Potter	\$158.00	2 jugs of eraser week killer
44	W.B. Mason	\$308.13	Janitorial supplies, case of paper & ink
45	Xerox	\$105.00	Monthly copier rental 5/28-7/01/14
	TOTAL	<u>\$163,516.16</u>	

Seconded by Mr. Scarano and on a roll call the following vote was recorded:

AYES: Foley, Knox, Loud-Hayward, Scarano, Smith, Shoeffling & Sodon
NAYS: None
ABSENT: Sachs and Aumack
ABSTAIN: None

Public Portion

Vice Chairman Smith opened the Meeting to the public. There being no one appearing to be heard, Vice Chairman Smith declared the public portion of the Meeting closed to the public.

Adjournment

There being no further business to come before the Meeting, on **Motion** by **Mr. Sodon**, Seconded by **Ms. Knox**, and passed by the affirmative voice vote of all Members present, no nays, no abstain,

Respectfully submitted by: _____